

**UNITED STATES BANKRUPTCY COURT
FOR THE
DISTRICT OF NEW MEXICO**

In re:

Fred Dale Van Winkle,

Debtor,

and

Brian Van Winkle, not in his personal capacity
but solely as co-personal representative
of the estate of Fred Van Winkle, and **Tammy
Sprague**, not in her personal capacity but solely as
co-personal representative of the estate of Fred
Van Winkle,

Plaintiffs,

vs.

Belleview Valley Land Co., a New Mexico
corporation, **John H. Williams**, and **Ellen B.
Williams**,

Defendants.

Case No. 13-11743-t7

Adv. No. 20-01022

DEFENDANTS' NOTICE OF INCORRECT FILING IN CASE NO. 13-11743-t7

COME NOW Defendants, **Bellevue Valley Land Co.**, a New Mexico corporation, **John H. Williams** and **Ellen B. Williams** (*Williams and Bellevue are jointly referred to as "Defendants"*) by and through their attorney, W. T. Martin, Jr., of Martin, Dugan & Martin, and gives notice to the Court as follows:

Defendants' Motion for Summary Judgment with accompanying Exhibits and the Memorandum Brief were incorrectly filed in Bankruptcy Court Case No. 13-11743-t7 on October 29, 2020 and were subsequently correctly filed in Bankruptcy Court Adversary Case No. 20-01022 on the same day, October 29, 2020. Defendants' Motion for Summary Judgment with accompanying Exhibits and the Memorandum Brief are being withdrawn in Bankruptcy Court Case No. 13-11743-t7, because they relate to Bankruptcy Court Adversary Case No. 20-01022 in which the same Defendants' Motion for Summary Judgment with accompanying Exhibits and the Memorandum Brief have been filed. This is a withdrawal of the filing in Bankruptcy Court Case No. 13-11743-t7 and NOT a withdrawal of the filing in Bankruptcy Court Adversary Case No. 20-0102. Defendants' Motion for Summary Judgment with accompanying Exhibits and the Memorandum Brief are to remain filed in Bankruptcy Court Adversary Case No. 20-0102.

Martin, Dugan & Martin

COOKS NOW Defendants, Ballerina Valley Land Co. a New Mexico corporation
John B. Williams and Ellen H. Williams (Williams and Ballerina) are jointly referred to as
(Defendants) by and through their attorney, W. T. Martin, Jr. of Martin, Dugan & Martin,
and give notice to the Court as follows:

Defendants' Motion for Summary Judgment was filed on 10/20/20 and the
Memorandum Brief was filed in Bankruptcy Court Case No. 13-11743-7 on
October 29, 2020 and a joint response was filed in Bankruptcy Court Adversary Case
No. 20-01023 on the same day. October 29, 2020. Defendants' Motion for Summary
Judgment with supporting Exhibit and the Plaintiff's Motion for Summary
Judgment Case No. 20-01023, because they relate to Bankruptcy Court
Adversary Case No. 20-01023 in which the same Defendants Motion for Summary
Judgment was accompanied by a joint response and the Memorandum Brief was filed. This is
a withdrawal of the filing in Bankruptcy Court Case No. 13-11743-7 and not a withdrawal
of the filing in Bankruptcy Court Adversary Case No. 20-01023. Defendants' Motion for
Summary Judgment with supporting Exhibit and the Plaintiff's Motion for Summary
Judgment Case No. 20-01023.

W. T. Martin, Jr.



By _____

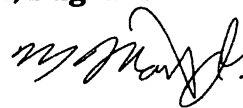
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Attorney for Defendants

CERTIFICATE OF SERVICE

I certify that on **October 30, 2020**, I filed the forgoing Notice electronically through the CM/ECF system, which caused all parties or counsel requesting notice to be served by electronic means on the date of filing. I further certify that the foregoing Motion for Summary Judgment was served via email to the following:

Joel Gaffney
joel@gaffneylaw.com

Martin, Dugan & Martin



By _____

W. T. Martin, Jr.